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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/039,341	Applicant(s) THOMAS, C. DOUGLASS	
	Examiner Sam Rimell	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Response to Restriction Requirement: Applicant argues that the two groups set forth in the restriction requirement of January 13, 2006 are substantially related and present no search burden. However, the requirement established that the two inventions were independent and distinct, as being directed to process and apparatus for its practice. Two inventions were also established to reside in different classification search areas, thus establishing further burden of search. Accordingly, the restriction requirement is proper and is made final.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneider (U.S. Patent 6,338,082).

Claim 1: Reference is made to FIG. 3A and its associated discussion at col. 12, line 57 through col. 13, line 25. Step 306 in FIG. 3A is the receipt of request to monitor a name by initiating a search in a “WHOIS” database. Initiating a search is an act of monitoring.

Step (314) diagrammatically illustrates the search for the domain name in the WHOIS database and the determination as to the existence of the name (also see col. 12, lines 62-67).

Step (318) illustrates the return to the requestor of a displayed record of a domain name when such domain name is identified in the WHOIS database system.

Claim 2: URLs associated with domain names can be communicated via electronic mail (col. 5, line 38).

Art Unit: 2164

Claim 3: The monitored name is a domain name (FIG. 3A, step 306).

Claim 4: A “WHOIS” database is a registry of domain names, and a plurality of such registries exist throughout the world (col. 5, lines 15-24).

Claim 5: Col. 5, lines 40-44 illustrate a domain name as a string of characters (“example.com”).

Claim 6: FIG. 3A, step 306 establishes that a search is performed for a domain name. Col. 5, lines 40-44 establish that a domain name is a string of characters (“example. com”). Accordingly, the search for the domain name involves a search for a string of characters.

Claim 7: The search of the WHOIS database registries involves searching all entries for matches. Such a search would inherently involve relatively more recent entries and relatively older entries.

Claim 8: FIG. 3A illustrates the generation of a notification message (display record). The display record is displayed to the user who initiated the request, thus the message is forwarded to the requestor.

Claim 9: The WHOIS database inherently contains data on domain name registrant, contact information, and date of registration or update to registration. Examiner has provided a copy of a WHOIS search for “Washington College” as evidence to support this conclusion, although the search results are not being referred to as prior art, since examiner maintains that the claimed features are inherent, rather than obvious.

Claim 10: FIG. 3A, step (306) illustrates receiving a request from a requestor. The request can be made over the Internet using a TCP/IP application (col. 5, lines 5-15).

Claim 11: The displayed search results from the WHOIS database search (step 318) would constitute a warning message indicating that a domain name is in use by another party.

Claim 12: The display of search results from the WHOIS search (step 318) is automated (done without manually searching through all the record). Accordingly, the action of sending a message (displayed results) is done automatically.

Claim 13: See remarks for claim 1.

Claim 14: See remarks for claim 2.

Claim 15: See remarks for claim 4.

Claim 16: See remarks for claim 3.

Claim 17: See remarks for claim 5.

Claim 18: See remarks for claim 6.

Claim 19: See remarks for claim 7.

Claim 20: See remarks for claims 5-6.

Claim 21: See remarks for claim 8.

Claim 22: See remarks for claim 9.

Claim 23: See remarks for claim 10.

Claim 24: See remarks for claim 11.

Claim 25: See remarks for claim 12.

Claim 26: A WHOIS search informs a user of an activation of a domain name on the Internet, with such domain name correlating to a website. Accordingly, searching for the domain name has the effect of monitoring the activation of a website.

Art Unit: 2164

Claim 27: The presence of a domain name in the WHOIS system is indicative of the activation of a website using that domain name.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
Art Unit 2164